

Chapter 160

TAXATION

[HISTORY: Adopted by the Town Council of the Town of Pennington Gap as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Motor vehicle license tax — See Ch. 167, Art. VI.

ARTICLE I

Property Taxes

[Adopted 3-14-1985 (Ch. 6 of the 1985 Code)]

[Amended December 21, 2020 by Council vote to due date of December 5th or as set by Council]

§ 160-1. Real property tax.

There is hereby levied a tax of \$0.25 on each \$100 of assessed value of all real estate and improvements situated thereon in the municipality.

A. All taxes or assessments on real estate imposed by any ordinance of the Town shall be payable by the persons who, on the first day of January in each year, were then the owners thereof.

B. The year for which real estate taxes are assessable shall be deemed to commence on the first day of January of each year, and from that day there shall be a lien upon all real estate situated in the Town limits of Pennington Gap, Virginia, for all the Town taxes and dues assessed thereon for that year and until paid to the Town Treasurer.

§ 160-2. Personal property tax.

A. Tangible. There is hereby levied a tax of \$0.25 on each \$100 of assessed value of tangible personal property assessed by the Town and now segregated pursuant to Title 15.2, Chapter 4 of the Code of Virginia and amendments thereto, including the tangible personal property of public utilities located and doing business within this municipality. There shall be a minimum billing of \$2 on personal property tax. [Amended 5-19-1986]

B. Bank stock. There is hereby imposed a tax of \$0.80 on each \$100 of the taxable value of the shares of stock in any bank located within the Town of Pennington Gap for the year 1964 and for every tax year thereafter.

§ 160-3. Receiving Taxes.

The Treasurer shall commence to receive all taxes and levies due the Town on the first day of October of each year, or as soon thereafter as he may receive the Commissioner's books, and continue to receive the same until the 5th of December, or as set by Town Council, thereafter.

§ 160-4. Penalty for failure to pay taxes.

Any person failing to pay his Town taxes or levies by December 5th, or as set by Council, to the Mayor's Office shall incur a penalty thereon of 5%, plus ten-percent interest per year, which shall be added to the amount of taxes and levies due by said taxpayer, which, when collected by the Treasurer, shall be accounted for by the Treasurer in his settlement.

ARTICLE II

Bank Franchise Tax

[Adopted 3-17-1980 (Ch. 112, § 7-9(34) of the 1985 Code)]

§ 160-5. Definitions.

For the purpose of this article, the following words shall have the meanings ascribed to them by this section:

BANK —% Defined in § 58-485.01 of the Code of Virginia.

NET CAPITAL —% A bank's net capital computed pursuant to § 58-485.07 of the Code of Virginia.

§ 160-6. Tax imposed; apportionment.

A. Pursuant to the provisions of Chapter 10.10 of Title 58 of the Code of Virginia, there is hereby imposed upon each bank located in the Town of Pennington Gap a tax on net capital equaling 80% of the state rate of franchise tax set forth in § 58-485.06 of the Code of Virginia.

B. In the event that any bank is located within the boundaries of this Town and is not the principal office, but is a branch extension or affiliate of the principal office, the tax upon such branch shall be apportioned as provided by § 58-485.012 of the Code of Virginia.

§ 160-7. Filing of return and payment of tax.

A. On or after the first day of January of each year, but not later than March 1 of any such year, all banks that are located within this Town shall prepare and file with the Commissioner of Revenue (or comparable local assessing officer) a return as provided by § 58-485.013 of the Code of Virginia in duplicate, which shall set forth the tax on net capital computed pursuant to Chapter 10.01 of Title 58 of the Code of Virginia. The Commissioner of Revenue (or comparable assessing officer) or Town Treasurer shall certify a copy of such filing of the bank's return and schedules and shall forthwith transmit such certified copy to the State Department of Taxation.

B. In the event that the principal office of a bank is located outside the boundaries of this Town or within any town located herein, and such bank has branch offices located within this county, in addition to the filing requirements set forth in Subsection A hereof, any bank conducting such branch business shall file with the Commissioner of the Revenue or appropriate assessing officer of this county a copy of the real

estate deduction schedule, apportionment and other items which are required by §§ 58-485.012, 58-485.013, and 58-485.014 of the Code of Virginia.

C. For each bank, on or before the first day of June of each year, the Commissioner of Revenue (or comparable assessing officer) or Town Treasurer shall certify a copy of such filing of the bank's return and schedules and shall forthwith transmit such certified copy to the State Department of Taxation.

D. Each bank, on or before the first day of June of each year, shall pay into the treasurer's office (or other appropriate official) of this Town all taxes imposed pursuant to this article.

§ 160-8. Effective date.

The provisions of this article shall be effective for the year beginning January 1, 1980.

§ 160-9. Violations and penalties.

Any bank which shall fail or neglect to comply with any provision of this article shall be fined not less than \$100 nor more than \$500, which fine shall be recovered upon motion, after five days' notice in the Circuit Court of this county. The motion shall be in the name of the Commonwealth and shall be presented by the attorney for the Town.

ARTICLE III

Utility Tax

[Adopted 11-27-1989]

§ 160-10. Definitions. [Amended effective 1-1-2001]

As used in this article, the following terms shall have the meanings indicated:

CONSUMER —% Every person who, individually or through agents, employees, officers, representatives or permittees, makes a taxable purchase of electricity in this jurisdiction.

KILOWATT HOURS (kWh) DELIVERED —% One thousand watts of electricity delivered in a one-hour period by an electric provider to an actual consumer, except that in the case of eligible customer-generators (sometimes called "cogenerators") as defined by Virginia Code § 56-594, it means kWh supplied from the electric grid to such customer-generators, minus the kWh generated and fed back to the electric grid by such customer-generators.

PERSON —% Any individual, corporation, company or other entity.

RESIDENTIAL CONSUMER —% The owner or tenant of property used primarily for residential purposes, including, but not limited to, apartment houses and other multiple-family dwellings.

SERVICE PROVIDER —% The person who delivers electricity to a consumer.

USED PRIMARILY —% Relates to the larger portion of the use for which electric utility service is furnished.

§ 160-11. Tax rate; exemptions; billing and collection; computation. [Amended effective 1-1-2001]

A. In accordance with Virginia Code § 58.1-3814, effective January 1, 2001, there is hereby imposed and levied a monthly tax on each purchase of electricity delivered to consumers by a service provider, classified as determined by such provider, as follows:

(1) Residential consumers. Such tax shall be at the rate of \$0.80 plus \$0.009644 for each kWh delivered monthly to residential consumers by a service provider, not to exceed \$3.

(2) Nonresidential consumers. Such tax on nonresidential consumers shall be at the rate per month for the classes of nonresidential consumers as set forth below:

(a) Commercial and industrial consumers. Such tax shall be at the rate of \$1.50 plus \$0.012330 for each kWh delivered monthly to commercial and industrial consumers, not to exceed \$3 monthly.

(3) The conversion of tax pursuant to this article to monthly kWh delivered shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by this jurisdiction shall be in effect.

B. Exemptions. The following consumers of electricity are exempt from the tax imposed by this article:

(1) Any public safety agency as defined by Virginia Code § 58.1-3813.

(2) The United States of America, the Commonwealth and the political subdivisions thereof, including this jurisdiction.

C. Billing, collection and remittance of tax.

(1) The service provider shall bill the electricity consumer tax to all users who are subject to the tax and to whom it delivers electricity and shall remit the same to this jurisdiction on a monthly basis. Such taxes shall be paid by the service provider to this jurisdiction in accordance with the Virginia Code § 58.1-2901. If any consumer receives and pays for electricity but refuses to pay the tax imposed by this section, the service provider shall notify this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax imposed by this section, the service provider must follow its normal collection procedures and upon collection of the bill or any part thereof must apportion the net amount collected between the charge for electric service and the tax and remit the tax portion to this jurisdiction.

(2) Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider until remitted to this jurisdiction.

D. Computation of bills not on a monthly basis. Bills shall be considered as monthly bills for the purposes of this article if submitted 12 times per year of approximately one month each. Accordingly, the tax for a bimonthly bill (approximately 60 days) shall be determined as follows:

(1) The kWh will be divided by two;

(2) A monthly tax will be calculated using the rates set forth above;

(3) The tax determined by Subsection D(2) shall be multiplied by two;

(4) The tax in Subsection D(3) may not exceed twice the monthly maximum tax.

§ 160-12. Telephone utility tax.

A. Definitions. The following words and terms, when used in this section, shall have the following respective meanings, except where the context clearly indicates a different meaning:

PURCHASER —% Includes a person, firm or corporation who or which is a consumer or who or which purchases a telephone service.

SELLER —% Includes every person, whether a public service corporation, who sells or furnishes a telephone service or services.

UTILITY SERVICE —% Includes local telephone service furnished and used in the Town.

B. Tax levied; amount; exclusions. There is hereby imposed and levied by the Town upon each purchaser or consumer of telephone service a tax for general purposes in the amount of 20% of the monthly amount charged by the seller to consumers or purchasers of utility service; provided, however, that such tax shall not apply as follows:

(1) The maximum tax per residential and commercial telephone customer shall not exceed \$3 per month.

(2) The tax shall not apply to that portion of the monthly bills for telephone service for residential or business use which shall exceed \$15.

C. Applicability to telephone service. The tax imposed and levied by this section on purchasers with respect to local telephone service shall apply to all charges made for local telephone service, except local messages which are paid for by inserting coins in coin-operated telephones. The total amount of the guaranteed charge on each bill rendered for semipublic coin box telephone service shall be included in the basis for the tax with respect to the purchaser of such services.

D. Computation. In all cases where the seller collects the price for utility service at monthly periods, the tax imposed and levied by this article may be computed on the aggregate amount of purchases during such month or period; provided that the amount of the tax to be collected shall be the nearest whole cent to the amount computed.

E. Seller's records. Each seller shall keep complete records showing all purchases of utility service in the Town, which records shall show the price charged against each purchaser with respect to each purchase, the date thereof, the date of payment thereof and the amount of tax imposed under this section. Such records shall be kept open for inspection by the duly authorized agents of the Town during regular business hours, and the duly authorized agents of the Town shall have the right, power and authority to make such transcripts thereof during such times as they may desire.

§ 160-13. Duty of purchaser to pay.

The tax imposed by this article shall be paid by the purchaser to the seller, for the use of the Town, at the time that the purchase price or charge for the utility service shall become due and payable under the agreement between the purchaser and the seller.

§ 160-14. Duty of seller to collect, report and remit.

It shall be the duty of every seller, in acting as the tax collection medium or agency for the Town, to collect from the purchaser, for the use of the Town, the tax imposed and levied by this article, at the time of collecting the purchase price charged for the utility service and to report and pay over, on or before the 15th day of each calendar month, to the collector of Town taxes all such taxes imposed, levied and collected during the preceding calendar month.

§ 160-15. Violations and penalties. [Amended effective 1-1-2001]

Any consumer regulated by this article failing, refusing the portions of or neglecting to pay the tax imposed and levied under this article, and any officer, agent or employee of any service provider violating the provisions of this article, shall, upon conviction thereof, be guilty of a Class 3 misdemeanor. Each such failure, refusal, neglect or violation shall constitute a separate offense. Such conviction shall not relieve any person from the payment, collection and remittance of the tax as provided in this article.

ARTICLE IV

Transient Occupancy Tax

[Adopted 8-27-1990]

[Amended effective July 1, 2020 by Council vote, minutes dated November 18, 2019 from 2% to 4%]

§ 160-16. Tax imposed.

There is hereby imposed by the Town Council of Pennington Gap, Virginia, a transient occupancy tax on hotels, motels, boardinghouses and travel campgrounds.

§ 160-17. Exceptions.

The provisions of this article shall not apply to rooms or spaces rented for occupancy by the same individual or group for a period of 30 or more days in hotels, motels, boardinghouses and travel campgrounds.

§ 160-18. Applicability of county tax limitations.

The county tax limitations imposed pursuant to § 58.1-3711 of the Code of Virginia, as amended, shall apply to any transient occupancy tax levied under § 58.1-3819 of the Code of Virginia, as amended, and to this article, mutatis mutandis.

§ 160-19. Tax rate.

Such tax shall be at the rate of 4% of the amount of charge for the occupancy of any room or space occupied.

§ 160-20. Retention of commission.

The businesses collecting aforesaid tax may retain a commission of 3% of the amount of tax due and accounted for and paid to the Town on time. No commission shall be allowed on any delinquent payment.

§ 160-21. Remission to Treasurer.

Each business subject to the aforesaid tax shall collect the same and remit the tax to the Town Treasurer by the 20th of each month, as payment of the tax collected during the previous calendar month.

ARTICLE V

Business and Professional License Tax

[Adopted 12-16-1996]

§ 160-22. Application and payment deadlines; applicability.

Application shall be made by March 1 of each calendar year for a BPOL license, and the tax must be paid in full by March 1 of each year. The tax must be paid on all gross sales without a maximum limit on the amount of gross sales to which the rate is applied.

§ 160-23. Conflicting ordinances.

Except as may be otherwise provided by the laws of the Commonwealth of Virginia, and notwithstanding any other current ordinances or resolutions enacted by the Town Council, whether or not compiled in the Code of the Town, to the extent of any conflict, the following provisions shall be applicable to the levy, assessment, and collection of licenses required and taxes imposed on businesses, trades, professions and callings and upon the persons, firms and corporations engaged therein within the Town.

§ 160-24. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AFFILIATED GROUP

A. One or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if:

(1) Stock possessing at least 80% of the voting power of all classes of stock and at least 80% of each class of the nonvoting stock of each of the includible corporations, except the common parent corporation, is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation directly owns stock possessing at least 80% of the voting power of all classes of stock and at least 80% of each class of the nonvoting stock of at least one of the other includible corporations. As used in this definition, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends. The term "includible corporation" means any corporation within the affiliated group, irrespective of the state or country of its incorporation; and the term "receipts" includes gross receipts and gross income.

B. Two or more corporations if five or fewer persons who are individuals, estates or trusts own stock possessing:

(1) At least 80% of the total combined voting power of all classes of stock entitled to vote or at least 80% of the total value of shares of all classes of the stock of each corporation; and

(2) More than 50% of the total combined voting power of all classes of stock entitled to vote or more than 50% of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

C. When one or more of the includible corporations, including the common parent corporation is a nonstock corporation, the term "stock" as used in this definition shall refer to the nonstock corporation membership or membership voting rights, as is appropriate to the context.

ASSESSMENT —% A determination as to the proper rate of tax, the measure to which the tax rate is applied, and ultimately the amount of tax, including additional or omitted tax, that is due. An assessment shall include a written assessment made pursuant to notice by the assessing official or a self-assessment made by a taxpayer upon the filing of a return or otherwise not pursuant to notice. Assessments shall be deemed made by an assessing official when a written notice of assessment is delivered to the taxpayer by the assessing official or an employee of the assessing official, or mailed to the taxpayer at his last known address. Self-assessments shall be deemed made when a return is filed, or if no return is required, when the tax is paid. A return filed or tax paid before the last day prescribed by ordinance for the filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return or the payment of tax, as the case may be.

ASSESSOR or ASSESSING OFFICIAL —% The Treasurer of the Town.

BASE YEAR —% The calendar year preceding the license year, except for contractors subject to the provisions of Virginia Code § 58.1-3715.

BROKER —% An agent of a buyer or a seller who buys or sells stocks, bonds, commodities, or services, usually on a commission basis.

BUSINESS —% A course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one business. The following acts shall create a rebuttable presumption that a person is engaged in a business:

A. Advertising or otherwise holding oneself out to the public as being engaged in a particular

business; or

B. Filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.

COMMODITY —% Staples such as wool, cotton, etc. which are traded on a commodity exchange and on which there is trading in futures.

CONTRACTOR —% The meaning prescribed in § 58.1-3714.B of the Code of Virginia, as amended, whether such work is done or offered to be done by day labor, general contract or subcontract.

DEALER —% Any person engaged in the business of buying and selling securities for his own account, but does not include a bank, or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business.

DEFINITE PLACE OF BUSINESS —% An office or a location at which occurs a regular and continuous course of dealing for 30 consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person on a temporary or seasonal basis; and real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere and the person is not licensable as a peddler or itinerant merchant.

FINANCIAL SERVICES —% The service for compensation by a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange, unless such service is otherwise provided for in this article.

GROSS RECEIPTS —% The whole, entire, total receipts attributable to the licensed privilege, without deduction, except as may be limited by the provisions of Chapter 37 of Title 58.1 of the Code of Virginia.

LICENSE YEAR —% The calendar year for which a license is issued for the privilege of engaging in business.

PERSONAL SERVICES —% Rendering for compensation any repair, personal, business or other services not specifically classified as "financial, real estate or professional service" under this article, or rendered in any other business or occupation not specifically classified in this article unless exempted from local license tax by Title 58.1 of the Code of Virginia.

PROFESSIONAL SERVICES —% Rendering any service specifically enumerated below or engaged in any occupation or vocation in which a professed knowledge of some department of science or learning, gained by a prolonged course of specialized instruction and study, is used by its practical application to the affairs of others, either advising, guiding, or teaching them, and in serving their interests or welfare in the practice of an art or science founded on it. The words "profession" and "professional" imply attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others as a vocation, and including, but without limitation, such attainments attributed to the following:

A. Architects.

B. Attorneys-at-law.

C. Certified public accountants.

D. Dentists.

E. Engineers.

F. Land surveyors.

G. Practitioners of the healing arts (the art or science or group of arts or sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities).

H. Surgeons.

I. Veterinarians.

PURCHASES —% All goods, wares and merchandise received or offered for sale at each definite place of business of every wholesaler or wholesale merchant, and shall not be construed to exclude any goods, wares or merchandise otherwise coming within the meaning of such word, including such goods, wares and merchandise manufactured by a wholesaler or wholesale merchant and sold or offered for sale as merchandise.

REAL ESTATE SERVICES —% Rendering a service for compensation as lessor, buyer, seller, agent or broker and providing a real estate service, unless the service is otherwise specifically provided for in this article, and such services include, but are not limited to, the following:

- A. Appraisers of real estate.
- B. Escrow agents, real estate.
- C. Fiduciaries, real estate.
- D. Lessors of real property.
- E. Real estate agents, brokers and managers.
- F. Real estate selling agents.
- G. Rental agents for real estate

RETAILER or RETAIL MERCHANT —% Any person or merchant who sells goods, wares and merchandise for use or consumption by the purchaser or for any purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial and industrial users.

SECURITY

A. The same meaning as in the Securities Act (§ 13.1-501 et seq.) of the Code of Virginia, or in similar laws of the United States regulating the sale of securities.

B. Those engaged in rendering financial services include, but without limitation, the following:

- (1) Buying installment receivables.
- (2) Chattel mortgage financing.
- (3) Consumer financing.
- (4) Credit card services.
- (5) Credit unions.
- (6) Factors.
- (7) Financing accounts receivable.
- (8) Industrial loan companies.
- (9) Installment financing.
- (10) Inventory financing.

- (11) Loan or mortgage brokers.
- (12) Loan or mortgage companies.
- (13) Safety deposit box companies.
- (14) Security and commodity brokers and services.
- (15) Stockbroker.
- (16) Working capital financing.

SERVICES —% Things purchased by a customer which do not have physical characteristics, or which are not goods, wares, or merchandise.

WHOLESALE or WHOLESALE MERCHANT —% Any person or merchant who sells wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods and services for sale, and also includes sales to institutional, commercial and industrial users which because of the quantity, price, or other terms indicate that they are consistent with sales at wholesale.

§ 160-25. License requirement.

A. Every person engaging in the Town in any business, trade, profession, occupation or calling (collectively hereinafter "a business") as defined in this article, unless otherwise exempted by law, shall apply for a license for each such business if (1) in the case of professional services, such person (a) maintains a definite office in the Town, or (b) if such person does not maintain a definite office in the Commonwealth of Virginia but does maintain an abode in the Town, which abode for the purposes of this article shall be deemed a definite place of business; or (2) in the case of any other business, such person has a definite place of business or maintains an office in the Town; or (3) such person is engaged as a peddler or itinerant merchant, carnival or circus as specified in § 58.1-3717, 58.1-3718, or 58.1-3728, respectively, of the Code of Virginia, or is a contractor subject to § 58.1-3715 of the Code of Virginia, or is a public service corporation subject to § 58.1-3731 of the Code of Virginia. A separate license shall be required for each definite place of business. A person engaged in two or more businesses or professions carried on at the same place of business may elect to obtain one license for all such businesses and professions if all of the following criteria are satisfied: (1) each business or profession is licensable at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of the Town; (2) all

of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and (3) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

B. Each person subject to a license tax shall apply for a license prior to beginning business, if he was not licensable in the Town on or before January 1 of the license year, or no later than March 1 of the current license year if he had been issued a license for the preceding license year. The application shall be on forms prescribed by the assessing official.

C. The tax shall be paid with the application in the case of any license not based on gross receipts or purchases. If the tax is measured by the gross receipts or purchases of the business, the tax shall be paid on or before March 1.

D. The assessing official may grant an extension of time, not to exceed 90 days, in which to file an application for a license, for good cause. The extension may be conditioned upon the timely payment of a reasonable estimate of the appropriate tax, subject to adjustment to the correct tax at the end of the extension together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, a penalty of 10% of the portion paid after the due date.

E. A penalty of 10% of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within 30 days the treasurer (or other collecting official) may impose a late payment penalty of 10%. The penalties shall not be imposed or, if imposed, shall be abated by the official who assessed them, if the failure to file or pay was not the fault of the taxpayer. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

(1) "Acted responsibly" means that:

(a) The taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business; and

(b) The taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

(2) "Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g.,

due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official, who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

F. Interest due.

(1) Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and penalty charged and collected on the amount of the assessment found to be erroneous shall be refunded together with

interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any tax paid under this article from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under Virginia Code § 58.1-3916.

(2) No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, in event of such adjustment, provided the refund or the late payment is made not more than 30 days from:

(a) The date of the payment that created the refund; or

(b) The due date of the tax; or

(c) The date of the taxpayer's application for a refund, whichever is later.

§ 160-26. Situs of gross receipts.

A. General rule. Whenever the tax imposed by this article is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a licensable privilege at a definite place of business within the Town. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one or more definite places of business or offices as follows:

(1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of Virginia Code § 58.1-3715.

(2) The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled.

(3) The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then the definite place of business at which the rental of such property is managed.

(4) The gross receipts from the performance of personal services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then the definite place of business from which the services are directed or controlled.

B. Apportionment. If the licensee has more than one definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule and the affected jurisdictions are unable to reach an apportionment agreement, except as to circumstances set forth in § 58.1-3709 of the Code of Virginia, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts

shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another jurisdiction shall not be attributed to the Town in the event the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.

C. Agreements. The assessor may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. In the event the assessing official is notified or becomes aware that its method of attributing gross receipts is fundamentally inconsistent with the method of one or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than 100% of its gross receipts from all locations in the affected jurisdictions, the assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved.

§ 160-27. Limitations, extensions, appeals and rulings.

The enforcement of the provisions of this article, including limitations with respect thereto, the correction of any assessment hereunder and any appeal by the Town of a correction made by its assessing official or by any person assessed with taxes hereunder and aggrieved by such assessment shall be pursuant to Chapter 39, Title 58.1 of the Code of Virginia; provided, however:

A. Any person assessed with a licensing tax under this article as the result of an audit may, within the period provided in § 58.1-3980 of the Code of Virginia, apply to the assessing official for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, audit period, remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The assessor may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, further audit, or other evidence deemed necessary for a proper and equitable determination of the applications. The assessment shall be deemed prima facie correct. The assessor shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth its position. Every assessment pursuant to an audit shall be accompanied by a written explanation of the taxpayer's right to seek correction and the specific procedure to be followed in the Town (e.g., the name and address to which an application should be directed).

B. An application is made within 90 days of an assessment, collection activity shall be suspended until 30 days after the final determination is issued by the assessor, unless the assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of § 160-23F of this article, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" includes a finding that the application is frivolous, or that a taxpayer desires to:

- (1) Depart quickly from the locality;
- (2) Remove his property therefrom;

(3) Conceal himself or his property therein; or

(4) Do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

C. Any taxpayer may request a written ruling regarding the application of the tax to a specific situation from the assessor. Any person requesting such a ruling must provide all the relevant facts for the situation and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if (1) there is a change in the law, a court decision, or (2) the assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

§ 160-28. Recordkeeping and audits.

Every person who is assessable with a license tax shall keep sufficient records to enable the assessor to verify the correctness of the tax paid for the license years assessable and to enable the assessor to ascertain the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the assessor in order to allow the assessor to establish whether a particular receipt is directly attributable to the taxable privilege exercised within the Town. The assessor shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside the Town, copies of the appropriate books and records shall be sent to the assessor's office upon demand.

§ 160-29. Exclusions and deductions from gross receipts.

A. General rule. Gross receipts for license tax purposes shall not include any amount not derived from the exercise of the licensed privilege to engage in a business or profession in the ordinary course of business or profession.

B. The following items shall be excluded from gross receipts:

(1) Amounts received and paid to the United States, the Commonwealth or any county, city or town for the Virginia retail sales or use tax, or for any local sales tax or any local excise tax on cigarettes, for any federal or state excise taxes on motor fuels.

(2) Any amount representing the liquidation of a debt or conversion of another asset to the extent that the amount is attributable to a transaction previously taxed (e.g., the factoring of accounts receivable created by sales which have been included in taxable receipts even though the creation of such debt and factoring are a regular part of its business).

(3) Any amount representing returns and allowances granted by the business to its customer.

(4) Receipts which are the proceeds of a loan transaction in which the licensee is the obligor.

(5) Receipts representing the return of principal of a loan transaction in which the licensee is the creditor, or the return of principal or basis upon the sale of a capital asset.

(6) Rebates and discounts taken or received on account of purchases by the licensee. A rebate or other incentive offered to induce the recipient to purchase certain goods or services from a person other than the offeror, and which the recipient assigns to the licensee in consideration of the sale of goods and services, shall not be considered a rebate or discount to the licensee, but shall be included in the licensee's gross receipts together with any handling or other fees related to the incentive.

(7) Withdrawals from inventory for which no consideration is received and the occasional sale or exchange of assets other than inventory, whether or not a gain or loss is recognized for federal income tax purposes.

(8) Investment income not directly related to the privilege exercised by a licensable business not classified as rendering financial services. This exclusion shall apply to interest on bank accounts of the business, and to interest, dividends and other income derived from the investment of its own funds in securities and other types of investments unrelated to the licensed privilege. This exclusion shall not apply to interest, late fees and similar income attributable to an installment sale or other transaction that occurred in the regular course of business.

§ 160-30. Tax rates.

The annual license tax imposed hereunder shall be \$30, or the rate set forth below for the class of enterprise listed, whichever is greater.

A. The tax on financial, real estate and professional businesses shall be \$0.15 per \$100 on the gross receipts as defined in this article.

B. The tax on retail sales shall be \$0.15 per \$100 of gross sales.

C. The tax on contracting shall be \$0.15 per \$100 of gross receipts.

D. The tax on repair, business and personal services shall be \$0.15 per \$100 of gross receipts.

E. The tax on wholesale merchant's licenses shall be \$0.13 per \$100 of purchases without limit as to maximum purchases.

ARTICLE VI

Meals Tax

[Adopted 6-19-2000]

[Amended 6-19-2017, 1% increase to 8% 5-23-2023]

§ 160-31. Definitions.

The following words and phrases, when used in this article, shall have, for the purposes of this article, the following respective meanings except where the context clearly indicates a different meaning:

CATER —% The furnishing of food, beverages, or both on the premises of another, for compensation.

COLLECTOR —% The Treasurer or designee.

FOOD —% All food, beverages or both, including alcoholic beverages, purchased in or from a food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not, and without regard to the manner, time or place of service.

FOOD ESTABLISHMENT —% Any place in or from which food or food products are prepared, packaged, sold or distributed in the Town, including, but not limited to, any restaurant, dining room, grill, coffee shop, cafeteria, cafe, snack bar, lunch counter, convenience store, movie theater, delicatessen, confectionery, bakery, eating house, eatery, drugstore, ice cream/yogurt shops, lunch wagon or truck, pushcart or other mobile facility from which food is sold, public or private club, resort bar, lounge, or other similar establishment, public or private, and shall include private property outside of and contiguous to a building or structure operated as a food establishment at which food or food products are sold for immediate consumption.

MEAL —% Any prepared food or drink offered or held out for sale by a food establishment for the purpose of being consumed by any person to satisfy the appetite and which is ready for immediate consumption. All such food and beverages, unless otherwise specifically exempted or excluded herein, shall be included, whether intended to be consumed on the seller's premises or elsewhere, whether designated as breakfast, lunch, snack, dinner, supper or by some other name, and without regard to the manner, time or place of service.

TREASURER —% The Treasurer and any duly designated deputies, assistants, inspector or other employees.

§ 160-32. Tax imposed; rate.

There is hereby imposed and levied by the Town on each person a tax at the rate of 8% on the amount paid for meals purchased from any food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not.

§ 160-33. Collection of tax by seller.

A. Every person receiving any payment for food with respect to which a tax is levied hereunder shall collect and remit the amount of the tax imposed by this article from the person on whom the same is levied or from the person paying for such food at the time payment for such food is made; provided, however, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Visually Handicapped and located on property acquired and used by the United States for any military or naval purpose shall be required to collect or remit such taxes.

B. Every seller who collects, accounts for and remits taxes imposed herein to the Town shall receive a commission at the rate of 5% of the amount of tax due and accounted for by the seller. Said commission shall be paid in the form of a deduction from the tax so remitted. No commission shall be received by any seller in the event that the amount due from said seller, or any part thereof, is delinquent under the provisions of this article.

C. All tax collections shall be deemed to be held in trust for the Town of Pennington Gap, Virginia.

§ 160-34. Exemptions; limits on applicability.

A. The tax imposed under this article shall not be levied on the following items when served exclusively for off-premises consumption:

- (1) Factory-prepackaged candy, gum, nuts and other items of essentially the same nature.
- (2) Factory-prepackaged donuts, ice cream, crackers, nabs, cookies and factory-prepackaged items of essentially the same nature.
- (3) Food sold in bulk. For the purposes of this provision, a bulk sale shall mean the sale of any item that would exceed the normal, customary and usual portion sold for on-premises consumption (e.g., a whole cake, a gallon of ice cream); a bulk sale shall not include any food or beverage that is catered or delivered by a food establishment for off-premises consumption.
- (4) Alcoholic and nonalcoholic beverages sold in factory-sealed containers.
- (5) Any food or food product purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children.
- (6) Any food or food product purchased for home consumption as defined in the federal Food Stamp Act of 1977, 7 USC 2012, as amended, except hot food or hot food products ready for immediate consumption. For the purposes of administering the tax levied hereunder, the following items, whether or not purchased for immediate consumption, are excluded from the definition of "food" in the federal Food Stamp Act: sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and non-factory-sealed beverages. This subsection shall not affect provisions set forth in Subsection C(3), (4) and (5) herein below.

B. A grocery store, supermarket or convenience store shall not be subject to the tax except for any portion or section therein designated as a delicatessen or designated for the sale of prepared food and beverages.

C. The tax imposed hereunder shall not be levied on the following purchases of food and beverages:

- (1) Food and beverages furnished by food establishments to employees as part of their compensation when no charge is made to the employee.
- (2) Food and beverages sold by day-care centers, public or private elementary or secondary schools or food sold by any college or university to its students or employees.
- (3) Food and beverages for use or consumption and which are paid for directly by the Commonwealth, any political subdivision of the Commonwealth or the United States.
- (4) Food and beverages furnished by a hospital, medical clinic, convalescent home, nursing home, home for the aged, infirm, handicapped, battered women, narcotic addicts or alcoholics, or other extended-care facility to patients or residents thereof.
- (5) Food and beverages furnished by a public or private nonprofit charitable organization or establishment or a private establishment that contracts with the appropriate agency of the Commonwealth to offer meals at concession prices to elderly, infirm, blind, handicapped or needy persons in their homes or at central locations.

(6) Food and beverages sold on an occasional basis, by a nonprofit educational, charitable or benevolent organization, church, or religious body as a fundraising activity, the gross proceeds of which are to be used by such organization exclusively for nonprofit educational, charitable, benevolent or religious purposes.

(7) Food and beverages sold through vending machines.

§ 160-35. Gratuities and service charges.

A. Where a purchaser provides a gratuity for an employee of a seller, and the amount of the gratuity is wholly in the discretion of the purchaser, the gratuity is not subject to the tax imposed by this article, whether paid in cash to the employee or added to the bill and charged to the purchaser's account, provided in the latter case, the full amount of the gratuity is turned over to the employee by the seller.

B. An amount or percent, whether designated as a gratuity, tip or service charge added to the price of the food and beverages by the seller, and required to be paid by the purchaser, as a part of the selling price of the food and beverages is subject to the tax imposed by this article.

§ 160-36. Report of taxes collected; remittance; preservation of records.

It shall be the duty of every person required by this article to pay to the Town the taxes imposed by this article to make a report thereof setting forth such information as the Treasurer may prescribe and require, including all purchases taxable under this article, the amount charged the purchaser for each such purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. Such records shall be kept and preserved for a period of two years. The Treasurer or his or her duly authorized agents shall have the power to examine such records at reasonable times and without unreasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this article, and to make transcripts of all or any parts thereof.

§ 160-37. Violations and penalties.

A. Any person willfully failing or refusing to file a return as required under this article shall, upon conviction thereof, be guilty of a Class 1 misdemeanor, except that any person failing to file such a return shall be guilty of a Class 3 misdemeanor if the amount of tax lawfully assessed in connection with the return is \$100 or less. Any person violating or failing to comply with any other provision of this article shall be guilty of a Class 1 misdemeanor.

B. Except as provided in Subsection A above, any corporate or partnership officer, as defined in Virginia Code § 58.1-3906, or any other person required to collect, account for, or pay over the meals tax imposed under this article, who willfully fails to collect or truthfully account for or pay over such tax, or who willfully evades or attempts to evade such tax or payment thereof, shall, in addition to any other penalties imposed by law, be guilty of a Class 1 misdemeanor.

C. Each violation of or failure to comply with this article shall constitute a separate offense. Conviction of any such violation shall not relieve any person from the payment, collection or remittance of the tax as provided in this article.

ARTICLE VII

Collection of Delinquent Taxes

[Adopted 11-20-2000]

§ 160-38. Payment of administrative costs by delinquent taxpayers.

Delinquent taxpayers shall pay a fee to cover the administrative costs and reasonable attorney's or collection agency's fees actually contracted for, not to exceed 20% of the taxes or other charges so collected. Such administrative costs shall be in addition to all penalties and interest, and shall not exceed \$20 for taxes collected subsequent to the filing of a warrant or other appropriate legal document but prior to judgment, and \$25 for taxes collected subsequent to judgment.

§ 160-39. Exception in cases of administrative appeal.

No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under § 58.1-3980 of the Code of Virginia, 1950, as amended, so long as the appeal is filed within 90 days of the date of the assessment, and for 30 days after the date of the final determination of the appeal, provided that nothing in this section shall be construed to preclude the assessment or refund, following the final determination of such appeal, of such interest as otherwise may be provided by general law as to the portion of a tax bill which has remained unpaid or was overpaid during the pendency of such appeal and is determined in such appeal to be properly due and owing.

ARTICLE VIII

Consumption Tax

[Provisions of the 1985 Town Code regarding taxation of heat, light and power companies recited § 58-603 of the Code of Virginia, which provided, in part, as follows: "Any city or town may impose a license tax upon such corporation for the privilege of doing business therein, which shall not exceed one-half of one percentum of the gross receipts of such business accruing to such corporation from such business in such city or town; from the amount of any such license tax there shall be deducted any sum or sums paid by such corporations to such city or town as a merchant's license tax and license taxes, except motor vehicle license taxes." Section 58-603 was repealed by Acts 1984, c. 675. Effective 1-1-2001, a consumption tax went into effect. Taxes must be based on the amount of energy consumed. For provisions regarding the electric utility consumption tax see § 58.1-2900 et seq. of the Code of Virginia. For provisions regarding the natural gas consumption tax see § 58.1-2904 et seq. of the Code of Virginia.]

ARTICLE IX

Exemption from taxes on property for Disabled Veterans

[Adopted April 16, 2012]

§ 160-41. Purpose of Article.

The purpose of this Article is to provide for the exemption of payment of taxes for real estate in accordance with the Code of Virginia §58.1-3219.5 and §58.1-3219.6, for disabled veteran residents and residents who are surviving spouses of a veteran who qualify under the provisions of this division.

§ 160-42. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. "Exemption" means a one hundred percent (100%) exemption from taxes for real estate pursuant to the provisions of this Chapter.
- b. "Honorably Discharged" means discharged from the armed forces pursuant to a discharge other than a dishonorable or bad conduct discharge.
- c. "Principal Place of Residence" means the place at which a person's habitation is fixed and to which that person, when absent, has the intent of returning.
- d. "Surviving Spouse" means an individual who was married to a veteran that died on or after January 1, 2011, and who does not remarry.
- e. "Tax" means the annual real estate tax, however assessed, of the Town.
- f. "Taxpayer" means a person who owns and occupies, as his sole dwelling, property subject to the tax of the Town.
- g. "Veteran " means an individual who has been honorably discharged from membership in the armed forces of the United States or has received a discharge certificate from a branch of the armed forces of the United States for a civilian service recognized pursuant to federal law as service in the armed forces of the United States.

§ 160-43. Principal Place of Residence; generally.

- a. For the purposes of this Article, a principal place of residence, as defined in Section 160-42(c) of this Article, is hereby limited as follows:
 - i. A person can have only one principal place of residence.
 - ii. If the veteran is confined to a hospital, nursing home or assisted living facility, the real estate can still be considered the veteran's principal place of residence if
 1. It is occupied by the veteran's spouse or minor child,
 2. It is not rented or leased to third parties, or
 3. The property is unoccupied.
- b. A principal place of residence includes the following:
 - i. The dwelling, the dwelling site, the surrounding land, not exceeding one (1)
 - ii. acre and related improvements located on the one (1) acre of real estate, such as garages, carports, storage buildings, swimming pools, tennis courts, and similar non-agricultural facilities.
 - iii. The dwelling may be a single-family residence, a unit in a multi-family complex, a condominium, a unit in a cooperative housing project or a manufactured home.

c. The principal place of residence does not include land on which agricultural facilities such as barns, pig pens, corrals, bunk houses, farm equipment, sheds and other outdoor buildings are located.

§ 160-44. Authorized; general prerequisites to grant.

Tax exemption is authorized, upon application made and within the limits provided in this Article, for taxpayers who meet the following criteria:

- a. The taxpayer is a veteran;
- b. The taxpayer has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a one-hundred percent (100%) service connected, permanent, and total disability;
- c. The taxpayer occupies the real property as his principal place of residence, as defined and limited by section 160-43 of this Article; and
- d. The title to the residential property for which the exemption is claimed must be held by the person entitled to claim such exemption, or held jointly by the claimant and his or her spouse.

§ 160-45. Surviving Spouse; general prerequisites to grant.

The surviving spouse, as defined in § 160-42(d) of this Article, of a veteran eligible for the exemption set forth in this Article shall also qualify for the exemption, with the following limitations:

- a. The surviving spouse must continue to occupy the real property as his principal place of residence;
- b. The surviving spouse must not remarry; and
- c. The death of the veteran occurred on or after January 1, 2011.

§ 160-46. Applies to residential property only.

It is the express purpose of this Article to confine the exemption to residential property exclusively used as such by the owners thereof. No income bearing residential property or combination of business and residential property shall be entitled to the exemption.

§ 160-47. Exemption for residential property not exceeding one acre.

Any real estate exempted from taxation pursuant to this Article shall not exceed one acre.

§ 160-48. Taxpayer's affidavit and application for exemption.

- a. For a taxpayer to qualify for an exemption under this Article, he must file an affidavit and application annually, after January 1 but not later than April 1, with the Town Treasurer or Commissioner of Revenue.
- b. The taxpayer application must include an affidavit or sworn written statement setting forth and identifying:
 - i. The location, description, and address of the property sought for tax exemption;

- ii. The name of the disabled veteran and the name of the spouse, if any, also occupying the real property;
 - iii. The names, ages, combined financial worth and gross income for the preceding year of the owners of the property;
 - iv. The names and income for the preceding year of related persons occupying the property;
 - v. An indication of whether the real property is jointly owned by a husband and wife; and
 - vi. A certification that the real property is occupied as the veteran's principal place of residence.
- c. The taxpayer application must also provide documentation from the U.S. Department of Veterans Affairs or its successor agency, indicating that the veteran has one-hundred percent (100%) service-connected, permanent, and total disability.
- d. The taxpayer shall be required to refile the information and documentation required by this Section only if the information changes. The taxpayer shall be required to file an Affidavit or sworn written statement annually certifying that the information provided in the Original application has not changed since the last tax year.
- e. In the event of a surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide documentation that the veteran's death occurrence was on or after January 1, 2011.
- f. In the event of a surviving spouse of a veteran claiming the exemption, the surviving spouse shall provide on the affidavit or sworn written statement required by Section 160-48(b) that the surviving spouse has not remarried and that he continues to occupy the real property as his principal place of residence.

§ 160-49 Veterans who died before January 1, 2011.

The provisions in this Article do not apply to veterans who died before January 1, 2011, or to their spouses.

§ 160-50. Nullification upon change in status.

Changes in qualifying factors occurring during the taxable year for which an application for exemption is filed under this Article, and having the effect of exceeding or violating the limitations and conditions provided in this Article, shall nullify any exemption for the then current taxable year.

§ 160-51. Request for production of documents and inquiries of taxpayer.

In administering this Article, the Town Treasurer or Commissioner of the Revenue may request, if needed, certified tax returns or other documents of the taxpayer necessary to establish any of the required qualifications. The Treasurer or Commissioner may make reasonably necessary inquiries of the taxpayer, requiring answers under oath, to determine qualifications specified in this Article.

§ 160-52. False claims.

Any person falsely claiming an exemption under this Article shall be guilty of a Class I misdemeanor.